



# NORFOLK

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## Inter Departmental Memorandum

TO: Norfolk City Council

FROM: Bryan Pennington, Director of Intergovernmental Relations

COPIES TO: Constitutional Officers, Council Appointees, and Senior Executive Staff

SUBJECT: 2014 General Assembly Activity Report # 1, week ending 1/17/14

DATE: January 17, 2014

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The 2014 General Assembly Session began January 8, 2014 with most of the initial activity primarily focusing on the transition of the new Governor, Lieutenant Governor, and Attorney General. Several of the early introduced legislative bills relate to local revenue and taxing authority, ethics, transportation funding, stormwater management, public education, mental health, and flooding. With more than 3,000 legislative bills being considered and a complex biennial state budget, the General Assembly is very active this Session.

Council passed by Resolution in late November 2013, [Norfolk's 2014 Legislative Priorities](#). In this document, the Council requested the 2014 General Assembly to consider: 3 Budget Amendment Requests; 3 Legislative Requests; and articulated 10 Legislative Priorities. Starting this week, Council will be provided a General Assembly Activity Report (GA Activity Report) in each Council Packet during Session. Each GA Activity Report will be organized to offer a purposefully brief update on the city's legislative requests and priorities, as well as other relevant legislative bills of interest or concern to the Administration.

### **Norfolk's 2014 Legislative Requests Update:**

1. [SJ 3 \(Locke\)](#) / [SJ 34 \(McWaters\)](#) / [HJ 16 \(Stolle\)](#): Request for the General Assembly to establish a joint subcommittee to formulate statewide recommendation for addressing recurrent flooding.

A 2012 Virginia Institute of Marine Science (VIMS) study mandated by the General Assembly (HJR 50 and SJR 76) recommended that the Commonwealth develop a comprehensive and coordinated action plan to manage and mitigate the impacts of recurrent coastal flooding - both current and future events. The study found that other nations and states have wisely begun coordinating and investing time and resources to protect lives, shorelines, businesses and homes. Currently, many Virginia localities and U.S. military facilities in the Commonwealth are investing significant resources to mitigate flooding impacts. However, these efforts lack a coordinated strategy. Moreover, the recent lessons of Storm Sandy (October 2012) suggest that the Commonwealth should better prepare for major flooding events.

The proposed Joint Subcommittee would provide the General Assembly with oversight of significant issues currently impacting Virginians living and working in flood prone areas. If created, this Subcommittee comprised of legislators would begin the development of a Commonwealth-specific comprehensive, cost

effective and practical recurrent flooding mitigation strategy. Working with a host of groups and state agencies, VIMS found that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20-50 years).

SJ 3 (Locke) is scheduled to be heard by the Senate Rules Committee on Friday, Jan 17<sup>th</sup>. HJ 16 (Stolle) has been assigned to the House Rules Committee but has not yet been scheduled to be heard.

Staff has no concerns with either bill passing at this time.

2. [SB 198 \(Alexander\)](#) / [HB 399 \(A. Howell\)](#): City of Norfolk Charter Changes

Norfolk has combined two City Charter amendment requests into one legislative bill. The Council has requested to change Norfolk's Charter so that the Council is only statutorily required to meet once per month, like most Virginia local governments. If passed, Council will still retain the authority to decide for itself the frequency of meetings over and above once per month. The second City Charter amendment seeks to authorize the creation of a new Deputy Chief of Police position.

SB 198 (Alexander) has been referred to the Senate Local Government Committee but has not yet been scheduled for hearing. HB 399 (A. Howell) passed the House Cities, Counties & Towns Committee unanimously on 1/17/14.

Staff has no concerns with either bill passing at this time.

3. [SB 90 \(Alexander\)](#) / [HB 401 \(A. Howell\)](#): Request to increase Norfolk School Board Member Term

Norfolk has requested that the General Assembly increase the term of the Norfolk School Board members from 2 years to 3 years. SB 90 (Alexander) unanimously passed the Senate on 1/14 and will soon be sent to the House for consideration.

Staff has no concerns with either bill passing at this time.

**Update on Norfolk's 2014 Legislative Priorities**

Legislative Priority	Relevant Bills	Description
Oppose Uranium Mining	None	All legislative efforts/initiatives appear dead.
Oppose enactment of the Opportunity Education Institute (OEI)	<a href="#">HB 113 (Marshall)</a> <a href="#">HB 1091 (Garrett)</a> <a href="#">SB 465 (Newman)</a>	Repeals OEI. Assigned to House Education Subcommittee on Education Reform  Identical bills to limit the number of schools that would be transferred to the OEI to those denied accreditation for the previous two years. Removes the authority of the OEI to elect to take over a school that has not met the requirements for full accreditation for three consecutive years.

	<a href="#">SB 499 (Hanger)</a>  <a href="#">HB 1003 (Greason)</a>	<p>Delays the initial transfer of supervision of certain public schools from the local school boards to OEI by one year.</p> <p>Provides OEI funding.</p> <p>*Senator Locke has submitted a Budget Amendment to defund OEI by \$600k taking its funding provision by Governor McDonnell to \$0.</p>
Address deficiencies in the 1995 Public Private Transportation Act (PPTA)	<a href="#">HB 1136 (Joannou)</a>  <a href="#">SB 26 (Alexander)</a>  <a href="#">SB 165 (Locke)</a> <a href="#">HB 349 (James)</a> <a href="#">HB 346 (James)</a>	<p>Prohibits the inclusion in a comprehensive agreement under the Public-Private Transportation Act of 1995 of a schedule of tolls or user fees for a road, highway, tunnel, or bridge unless the General Assembly, by joint resolution, has approved the schedule.</p> <p>Increases time periods for public comment and submission of competing proposals and transparency in agreements pursuant to the Public-Private Transportation Act of 1995. The bill also requires a presentation to the Transportation Committees, Senate Finance Committee, and House Appropriations Committee of the General Assembly for projects in excess of \$1 billion.</p> <p>Provides that no comprehensive agreement providing for the lease, operation, or transfer of ownership of a qualifying transportation facility under the Public-Private Transportation Act with a total value of more than \$1 billion and having a substantial negative impact on the tax revenues of an affected jurisdiction or substantially increasing the taxes, fees, or expenses that will be paid by residents of an affected jurisdiction may be executed by a state agency unless (i) approved by the Governor and (ii) a bill that includes a specific description of the proposed agreement and its anticipated expenditures and revenues is passed by the General Assembly.</p>
Align the Commonwealth Transportation Board	<a href="#">HB 379 (Surovell)</a>	Changes the composition of the CTB so that one member will be appointed from each of

Appointments based upon congressional districts	<a href="#">SB 511 (Wagner)</a>	Virginia's congressional districts and three will be at-large appointees.  KILLED 1/15: Changes the composition of the CTB so that one member will be appointed from each of Virginia's 11 congressional districts instead of from each of the 9 highway construction districts. The five at-large members and four ex officio members remain unchanged.
Conduct a review of the equity of Virginia's current provisions for allocating highway and transportation funding	<a href="#">SJ 72 (Wagner)</a>	Directs JLARC to review the equity of transportation funding in light of new revenues and because such a study has not been conducted in 30 years.
Equitably distribute apportionment of outstanding teacher retirement plan liability	None	NA
Provision of sufficient state funding for additional unfunded Family Access to Medical Insurance Security (FAMIS) administrative responsibilities	Budget Amendments pending	Several budget amendments have been introduced.
Restrict the Governor's HRT Board Appointments to the candidates provided by the HRT member local government council	None	No bills have been introduced.
Local option plastic bag regulations	<a href="#">SB 320 (Ebbin)</a>  <a href="#">HB 1381 (Morrissey)</a>	Authorizes localities in Planning District 8 by ordinance to impose a tax on disposable paper bags and disposable plastic bags.  Imposes a tax of five cents (\$0.05) beginning on July 1, 2014, on plastic bags used by purchasers to carry tangible personal property purchased in grocery stores, convenience stores, or drug stores.

## Other legislation of interest

[HB 66 \(Ramadan\)](#) requires school boards to place a school resource officer in each public elementary and secondary school. The bill provides that the costs be paid from the Lottery Proceeds Fund. Lottery funds are already being designated for a variety of other programs, including foster care, at-risk funding, the Virginia Preschool Initiative, early reading intervention, K-3 class size deduction, school breakfast, SOL algebra readiness and others. Many of the lottery-funded programs are targeted toward at-risk students. Using lottery funds to pay for the school resource officers would divert money from these programs, unless lottery profits were to suddenly tick upward. Similar legislation introduced last year had an estimated price tag of more than \$133 million. Lottery funds are estimated at \$500 million a year.

[SB 289 \(Carrico\)](#) and [SB 493 \(Puckett\)](#) would not correct the problems that arose in 2011 when the state shifted responsibility for payment of Line of Duty Act benefits for local employees to local governments. The identical bills establish a state Line of Duty Death and Health Benefits Fund, which would pay for the benefits already provided under the Line of Duty Act. The Department of Accounts would continue to determine eligibility.

Under the Line of Duty Act, public safety officers who are disabled in the course of their employment and their families are eligible for benefits, the most expensive of which is continued health insurance coverage. The surviving spouse and family of public safety employees whose death was the result of employment also are eligible for these benefits. The state Department of Accounts determines eligibility, but local governments have to pay those costs. Up until 2011, the state, which created the program, paid the costs.

### Additional Bills of interest to local governments

[HB 34](#) - [Kory](#) - High schools, public; local school boards to set daily school calendar, etc.

[HB 57](#) - [Miller](#) - Retail Sales and Use Tax; exemption includes gold, silver, and platinum bullion.

[HB 66](#) - [Ramadan](#) - School resource officers; local school board to place officer in each public school.

[HB 71](#) - [Pogge](#) - Agricultural operations; local regulation of certain activities.

[HB 148](#) - [Minchew](#) - Motor vehicle sales and use tax; reduces sale price by value of any trade-in.

[HB 310](#) - [Lingamfelter](#) - First informer broadcaster; access to an area affected by disaster for news.

[HB 371](#) - [Head](#) - License tax, local; tax on net income of businesses.

[HB 422](#) - [Davis](#) - Prohibiting certain local government practices; requirements for contractors to provide benefits.

[HB 519](#) - [Morris](#) - Zoning; attorney fees.

[HB 525](#) - [Pogge](#) - Real property tax; notice of assessment.

[HB 527](#) - [Pogge](#) - Group homes; zoning.

[HB 908](#) - [Villanueva](#) - Contract passenger carriers.

[HB 973](#) - [Cline](#) - Use of photo-monitoring systems for traffic lights; repeal.

[HB 978](#) - [Rust](#) - Public utility; definition in PPTA and PPEA.

[HJ 8](#) - [Ramadan](#) - Constitutional amendment; real property tax exemption for spouses of soldiers killed in action.

**HJ 45** - **DeSteph** - Study; local business license (BPOL) tax; report.

**SB 53** - **Stuart** - Regulation of stormwater; waiver of charges for places of worship.

**SB 124** - **Lucas** - Constitutional officers; locality shall not reduce funding for personnel, etc.

**SB 531** - **Watkins** - Contract passenger carriers.

Additional bills and budget amendments may be added in the weeks ahead as proposals are being finalized by Legislative Services or amended in Committees. During the General Assembly session, please feel free to contact Bryan Pennington for any questions or concerns at [bryan.pennington@norfolk.gov](mailto:bryan.pennington@norfolk.gov) or by cell phone at **757-274-7120**.

#### **2014 General Assembly Legislative Calendar**

Date	Events and activities for the 2014 Session
January 17 <sup>th</sup>	Deadline for filing all bills and resolutions
February 3 <sup>rd</sup>	House Appropriations & Senate Finance Committees present their budgets
February 6 <sup>th</sup>	VML Local Government Day
February 11 <sup>th</sup>	Cross-over day. Each house completes work on its own legislation; except state budget
February 14 <sup>th</sup>	Houses of introduction completes its work on budget
February 26 <sup>th</sup>	Last day for each house to act on budget of the other house
March 3 <sup>rd</sup>	Last day for committee action on legislation
March 8 <sup>th</sup>	General Assembly scheduled to adjourn (Sine Die)
April 23 <sup>rd</sup>	Reconvened (veto) session

Norfolk Senators	Richmond Office #	Norfolk Delegates	Richmond Office #
Senator Alexander	804-698-7505	Delegate Hester	804-698-1089
Senator F. Wagner	804-698-7507	Delegate A. Howell	804-698-1090
6 <sup>th</sup> Senate District		Delegate James	804-698-1080
		Delegate Joannou	804-698-1079
		Delegate L. Lewis	804-698-1000
		Delegate Stolle	804-698-1083

You can watch the Virginia House of Delegates live on the floor at this link:

[http://virginia-house.granicus.com/ViewPublisher.php?view\\_id=3](http://virginia-house.granicus.com/ViewPublisher.php?view_id=3)

You can view the Virginia Senate Chamber live on the floor at this link:

[http://virginia-senate.granicus.com/ViewPublisher.php?view\\_id=3](http://virginia-senate.granicus.com/ViewPublisher.php?view_id=3)